



## Firm Resume

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# Firm Resume

Erickson Kramer Osborne LLP is a class action law firm based in San Francisco, California. We protect and fight for justice through class and collective action. Our cases regularly garner national and international media attention. EKO's cases have been spotlighted in the Wall Street Journal, Barron's, Bloomberg, the Los Angeles Times, the New York Times, the Washington Post, and NPR's Marketplace. Our attorneys are recognized as among the most skilled in complex litigation and trial advocacy by the National Trial Lawyers, the National Law Journal, Thompson Reuters Super Lawyers, Best Lawyers in America, and others.

Our firm focuses on class and collective actions involving sexual abuse, privacy, consumer protection, workers' rights, and financial fraud. We are among the most successful firms in our field, reaching settlements totaling over \$100 million in the last four years, certifying multiple complex class actions, and taking a central role in some of the nation's largest multi-district litigations. We are also thought leaders in our field. EKO attorneys include law school faculty and legal non-profit board members. We are frequently interviewed for pieces on cryptocurrency litigation, workers' rights in the gig economy, and general class action litigation, and we regularly publish in legal journals and present at legal education conferences.

## Representative Matters

EKO's attorneys have litigated and tried high-stakes, high-profile cases in state and federal courts. The following matters are representative of our firm and our attorneys' work. These include matters litigated by EKO's founders since launching EKO in 2020 and in years prior when working with firms that are counted as among the most prestigious in the country.

### Sexual Abuse Survivor Cases

*Egbert v. U.S. Olympic & Paralympic Committee*, No. (D. Colo.): Case representing Paralympic swimmers in claims against sexual predator and U.S. Olympic & Paralympic governing bodies alleging sexual abuse of numerous disabled athletes, garnering coverage from the Washington Post and New York Times. The matter is pending before Hon. S. Kato Crews.

*A.B. v. Regents of University of California*, No. 2:20-cv-09555 (C.D. Cal.): Class action on behalf thousands of sexual abuse survivors at a UCLA medical clinic. In 2021, Hon. Gary Klausner approved a \$73 million settlement. The Los Angeles Times, the Washington Post, the New York Times, and several other media outlets covered the matter, often quoting EKO's Elizabeth Kramer as a part of their coverage.

*In re USC Student Health Center Sexual Abuse Litigation*, No. 2:18-cv-04258 (C.D. Cal.): Class action on behalf of students and alumni survivors of sexual assault at a USC medical clinic. The case resulted in a \$215 million settlement fund for the benefit the survivors, which was approved by Hon. Stephen Wilson in 2019.

### Privacy

*In re: MOVEit Customer Data Breach Litigation*, No. MDL 1:23-md-03083-ADB (D. Mass.): Data breach litigation on behalf of the largest public pension funds in the United States. EKO represents two of the approximately ten named plaintiffs who were selected from among hundreds of

## Julie Erickson

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**Julie Erickson** is a founding partner and trial attorney at EKO. Over the last decade, she has litigated and tried cases in state and federal court, argued in the Ninth Circuit Court of Appeals, and been named Outstanding New Lawyer of the Year by the San Francisco Trial Lawyers Association. In 2021, opposing counsel was quoted in the Daily Journal referring to her as “a tough, tough attorney.” In addition to her work with EKO, Julie is an adjunct professor at the University of San Francisco School of Law and a member of the San Francisco Trial Lawyers Women’s Caucus Committee.

### Recognition

- + Top Rated Class Action & Mass Torts Attorney in San Francisco, Super Lawyers
- + Top 10 Wage & Hour Trial Lawyers in California, The National Trial Lawyers
- + Outstanding New Lawyer of the Year, San Francisco Trial Lawyers Association
- + Top 40 Under 40, The National Trial Lawyers
- + Rising Star, Super Lawyers, Northern California

claimants. Multiple media outlets including Newsweek and Bloomberg covered the matter, which is now pending before Hon. Allison D. Burroughs in the District of Massachusetts. *Crano v. Hilton Worldwide*, No. 24STCV26306 (Los Angeles County Superior Court): California Invasion of Privacy Act case against hotel chain for sharing customer data through the Meta Pixel. The case is pending before Hon. Lawrence P. Riff in California Superior Court.

*Pastore v. Enzo Biochem*, No. 2:23-cv-04636 (E.D.N.Y.): Data breach litigation involving the release of sensitive medical information, including class member’s clinical lab test results. The matter is currently pending before Hon. Gary R. Brown in the Eastern District of New York.

*Mehta v. Robinhood Financial LLC*, No. 5:21-cv-01013 (N.D. Cal.): Account takeover litigation against exchange for failure to secure customer accounts, resulting in the liquidation and theft of security and cryptocurrency investments. Bloomberg, Barron’s, and other media outlets covered the matter. After plaintiffs defeated two motions to dismiss, the parties reached a settlement valued at \$20 million.

*In re Lenovo Adware Consumer Fraud Litigation*, No. 4:15-md-02624 (N.D. Cal.): Privacy and consumer protection class action alleging technology company placed software on its computers that threatened customer privacy, account security, and product performance. The case resulted in an \$8 million settlement approved by Hon. Haywood Gilliam.

*Fraleigh v. Facebook, Inc.*, No. 3:11-cv-01726 (N.D. Cal.): Privacy litigation against social media company for misappropriating the names and likenesses of approximately 125,000,000 users. Hon. Lucy Koh denied defendant’s motion to dismiss and Hon. Richard Seeborg approved the subsequent \$20 million settlement (later successfully defended before the Ninth Circuit). Forbes and other media outlets covered the matter, describing the scope of the settlement as including “most of America.”

### Consumer Protection

*Felker v. JRK Residential Group, Inc.*, No. SCV-267587 (Sonoma County Superior Court): Certified class action on behalf of residential tenants of \$5 billion real estate conglomerate alleging rents were raised at unconscionable levels amidst the COVID-19 pandemic. The case is pending before Hon. Patrick Broderick.

*Deams v. 2K Games*, No. 3:23-cv-05961 (N.D. Cal.): Class action on behalf of minor client against video game maker for

## Elizabeth Kramer

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**Elizabeth Kramer** is a founding partner at EKO. She works at the cutting edge of class action litigation. She has been a central figure in some of the largest sexual abuse class actions ever, including serving as lead counsel in litigation against USC (\$215 million settlement) and against UCLA (\$73 million settlement). The Daily Journal described her role as “a very active and important voice in the settlement process” and Jason Ingber’s Outside the Courtroom podcast styled her “the Queen of Class Actions.” She is also a leader in the field of FinTech litigation, as the primary attorney in cases against Robinhood and Coinbase, and has been interviewed by the Wall Street Journal regarding the rise of cryptocurrency litigation.

### Recognition

- + Elite Trailblazer, National Law Journal
- + Top Rated Civil Litigation Attorney in San Francisco, Super Lawyers
- + Rising Star, Super Lawyers, Northern California
- + Top 40 Under 40, National Trial Lawyers
- + Best Lawyers in America

enticing gamers to buy in-game currency, then deleting it before it can be spent. The matter is pending before Hon. James Donato.

*Bow v. Suddenlink*, No. TCU21-7785 (Nevada County Superior Court): Injunctive relief case against internet service provider alleging deceptive advertising. Plaintiffs successfully argued to the Eastern District of California, Hon. Troy Nunley, that the matter could not be compelled to arbitration and must be remanded to state court under the California Supreme Court’s ruling in *McGill v. CitiBank, NA*. The case is resolved.

*Debono v. Cerebral Inc.*, No. 3:22-cv-03378 (N.D. Cal.): Consumer class action on behalf of patients seeking treatment through mental health app, misled by deceptive marketing. The case has been covered by Forbes and is currently pending before Hon. Alex Tse.

*Heredia v. Sunrise Senior Living LLC*, No. 8:18-cv-01974 (C.D. Cal.): Elder abuse litigation on behalf over 2,000 resident patients of assisted living facilities. Plaintiffs were granted class certification in November 2021 by Hon. Josephine Staton. The matter is ongoing.

*Harrington v. Blue Shield*, No. 14-004800 (San Francisco Superior Court) & *Felser v. Blue Cross*, No. BC550739 (Los Angeles Superior Court): State court class actions on behalf of consumers who purchased health plans under the Affordable Care Act through insurers and were misled into thinking the insurance would cover their desired doctors and hospitals. The Los Angeles Times and Reuters both reported on the matters. The cases resulted in \$23 million and \$18 million settlements, respectively.

*In re HP Printer Firmware Update Consumer Fraud Litigation*, No. 5:16-cv-05820 (N.D. Cal.): Class action alleging HP transmits online updates to printers rendering competitors’ ink cartridges incompatible. The case resulted in a \$1.5 million settlement that was approved by in 2019 by Hon. Edward Davila.

### Workers’ Rights

*Garza v. Bitwise*, No. 23CECG02098 (Fresno County Superior Court): Class action for WARN Act violation against tech-sector employer that terminated over 1,000 workers without notice. The matter has been resolved for a settlement exceeding \$20 million.

*Minix v. Sutter Health*, No. RG20061295 (Alameda County Superior Court): Certified class action on behalf of workers exposed to harmful cleaning chemicals in California medical

## Kevin Osborne

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**Kevin Osborne** is a founding partner and trial attorney at EKO. He has tried countless cases to verdict in jury trials, arbitrations, administrative hearings, and criminal proceedings on behalf of the Department of Justice. He has over a decade of experience in privacy litigation, having argued the case of *Fraley v. Facebook, Inc.*, and was the primary attorney in the *Mehta v. Robinhood Financial LLC* data breach litigation. Kevin has been interviewed by NPR's Marketplace, Out of the Courtroom, Bloomberg, and various other media outlets on issues from cryptocurrency investors' rights to labor unionization efforts. He has taken and defended over 1,000 depositions and argued before over 100 judges in various forums. He is published in Forum Magazine, Plaintiff's Magazine, Just Security, and other journals and periodicals. He is also on the board of the Community Law Center at Santa Clara University School of Law.

### Recognition

- + Top 100 Plaintiff Lawyers, National Trial Lawyers
- + Trial Lawyer of the Year Nominee, San Francisco Trial Lawyers
- + Top 100 Lawyers in California, National Trial Lawyers
- + Top Rated Class Action and Mass Torts Attorney in San Francisco, Super Lawyers

facilities. The case has been covered by the Sacramento Bee, among other media outlets, and resolved for a \$1.9 million for a class of 100 injured workers.

*Torres v. North Pacific Seafoods, Inc.*, No. 2:20-cv-01545 (W.D. Wa.): Worker safety and wage claim on behalf of seafood processors in Alaska. The Seattle Times, which interviewed EKO attorney Kevin Osborne, referred to worker conditions as "Kafkaesque." The case was resolved for \$1.9 million. Hon. James Robart issued an order stating, "Class Counsel delivered excellent results for the Class."

*Camp v. Instacart*, No. BC652216 (Los Angeles County Superior Court): Independent contractor misclassification class action against app-based delivery service. Time Magazine reported on the case's impact on the gig economy. After being compelled to arbitrate, Plaintiffs filed dozens of claims, leveraging a \$6.25 million class-wide settlement.

*Zamudio v. Home Depot USA, Inc.*, No. 05-446984 (San Francisco Superior Court): Workers' rights class suit on behalf of misclassified carpet installers resulted in an \$8 million settlement reached in California state court.

*Matias v. Star-J Trucking*, No. (Alameda County Superior Court): Port of Oakland worker trial after truck collision resulting in \$1+ million jury verdict in California state court.

*Frias v. California Materials*, No. (San Joaquin County Superior Court): Highway worker injury litigation in California state court against asphalt delivery trucking company resulting in \$2+ million trial verdict.

### Banking & Financial Fraud

*In re Oppenheimer Rochester Funds Securities Litigation (CA Fund)*, No. 09-md-02063 (D. Colo.): Municipal bond funds litigation claiming securities laws violations arising from misleading statements regarding levels of risk inconsistent with claimed strategies and objectives. Settlement in 2015 for over \$50 million approved by Hon. John L. Kane.

Stablecoin Litigation (*Pearl v. Coinbase, Inc.*, No. 3:22-cv-03561 (N.D. Cal.); *Donovan v. GMO-Z.com Trust Company, Inc.*, No. 1:23-cv-08431-AT (S.D.N.Y.), etc.): Series of cases alleging cryptocurrency issuers and exchanges sold unregistered securities. EKO partner Elizabeth Kramer was interviewed by the Wall Street Journal in relation to her work on the cases. The matters are currently in litigation.

*Valenti, et al. v. DFINITY USA Research LLC*, No. 3:21-cv-06118 (N.D. Cal.): Class action alleging defendant's



cryptocurrency is an unregistered security, in violation of federal securities laws. EKO was appointed lead counsel in 2023. The case is pending before Hon. James Donato of the Northern District of California.

*Ward v. Prime Trust*, No. 2:22-cv-02034 (D. Nev.): Case filed against "trust" company serving the cryptocurrency investment sector based on allegations of improperly denying requests by investors to redeem digital tokens for cash, despite a fiduciary obligation to do so. The matter is in Bankruptcy Court in the District of Delaware.

*Carducci v. Wachovia Bank, NA*, No. 4:11-cv-00181 (N.D. Cal.): Truth in Lending Act class action on behalf of borrowers from across the western United States alleging improper assessment of late payment fees. \$10 million settlement approved by Hon. Phyllis Hamilton in 2012.

*Confidential Margin Call Litigation*: Private venture capitalist alleged investment broker failed to comply with internal policies and FINRA rules when it liquidated various options positions exceeding \$4 million during the March 2020 financial panic. The parties reached a settlement in 2021.

## Other Class and Mass Tort Actions

*In Re: Generic Pharms. Pricing Antitrust Case*, No. MDL 2724 (E.D. Penn.): Ongoing antitrust litigation involving several of the country's largest pharmaceutical makers. The case has been covered by national and international media and was the subject of a 60 Minutes feature.

*In Re Ghost Ship Fire Litigation*, No. RG16843631 (Alameda County Superior Court): Warehouse fire resulting in over 30 fatalities. The litigation resulted in a \$33+ million settlement and additional undisclosed settlement funds. The litigation was covered extensively by the San Francisco Chronicle, the New York Times, Rolling Stone Magazine, and other national and international media outlets.

*Banco de México v. Orient Fisheries, Inc.*, No. 2:07-cv-07043 (C.D. Cal.): Claims by the central bank of Mexico against a cross-border seafood processor and importer. Case resolved after plaintiff prevailed on \$16 million summary judgment regarding defendant's obligations under a put option contract.